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DEC 13 2002

In re the patent application of:
Forsyth, A., et al.
Application No.: 09/741,669
Filed: December 19, 2000
For: GENES IDENTIFIED AS REQUIRED FOR
PROLIFERATION OF E. COLI

OFFICE OF PETITIONS
DECISION
ON PETITION

This is a decision under 37 C.F.R. 1.183, on the petitions filed January 11, 2002 and May 7, 2002 to waive the requirement of 37 C.F.R. 1.98(a)(2), for a copy of the sequence listing for International Application publication numbers WO 98/50555, and WO 01/34809 in Information Disclosure Statements (IDS) filed in the above-identified application.

The petition under 37 C.F.R. 1.183 to waive the rules in the above noted application is
GRANTED.

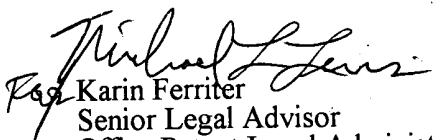
37 C.F.R. 1.98 requires applicants to submit as part of an IDS a legible copy of the portion of the reference that caused it to be included in the IDS. The size and method of publication of the sequence listing in the two international publications makes it burdensome for applicant to submit, and for the Office to process if submitted, in the form it was published. Applicant and Michael Lewis of this office determined in earlier telephonic communications that the Office already has a copy of the sequence portion of the two documents in a more usable form than applicant could submit.

Accordingly, it would be an unnecessary burden on both applicant and the Office to insist on a paper copy of the sequence portion of the two International Application publication documents.

The petitions are granted to the extent that no paper copy of the sequence portion of the two International Application references need be submitted with an IDS in this application.

After this decision is mailed, the application will be returned to the Technology Center 1600 for examination.

Telephone inquiries should be directed to Michael L. Lewis at (703) 306-5585.


Karin Ferriter
Senior Legal Advisor
Office Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy